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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/523,617	01/06/2006	Jillian Cornish	11752-010US1	1861	
26161 7590 10/03/2007 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER		
			BRADLEY, CHRISTINA		
			ART UNIT	PAPER NUMBER	
			1654		
			MAN BATE	DEL IVERY MODE	
			MAIL DATE	DELIVERY MODE	
		•	10/03/2007	PAPER ·	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	•
10/523,617	CORNISH ET AL.	
Examiner	Art Unit	
Christina Marchetti Bradley	1654	

	Christina Marchetti Bradley	1654	
The MAILING DATE of this communication app	ears on the cover sheet with the c	correspondence add	ress
THE REPLY FILED <u>20 September 2007</u> FAILS TO PLACE TH	HIS APPLICATION IN CONDITION F	FOR ALLOWANCE.	
The reply was filed after a final rejection, but prior to or of this application, applicant must timely file one of the folloplaces the application in condition for allowance; (2) a Na Request for Continued Examination (RCE) in compliant time periods:	on the same day as filing a Notice of owing replies: (1) an amendment, aff lotice of Appeal (with appeal fee) in a	Appeal. To avoid aba fidavit, or other evider compliance with 37 C	rce, which FR 41.31; or (3)
a) The period for reply expires <u>6</u> months from the mailing da	te of the final rejection.		•
b) The period for reply expires on: (1) the mailing date of this no event, however, will the statutory period for reply expire Examiner Note: If box 1 is checked, check either box (a) of TWO MONTHS OF THE FINAL REJECTION. See MPEP	later than SIX MONTHS from the mailin r (b). ONLY CHECK BOX (b) WHEN THI	g date of the final rejecti	on.
Extensions of time may be obtained under 37 CFR 1.136(a). The dath nave been filed is the date for purposes of determining the period of counder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office lath may reduce any earned patent term adjustment. See 37 CFR 1.704(NOTICE OF APPEAL	extension and the corresponding amount e shortened statutory period for reply orig er than three months after the mailing da	of the fee. The appropri jinally set in the final Offi	ate extension fee ce action; or (2) as
2. The Notice of Appeal was filed on <u>9/20/2007</u> . A brief in date of filing the Notice of Appeal (37 CFR 41.37(a)), or appeal. Since a Notice of Appeal has been filed, any repart that the AMENDMENTS	any extension thereof (37 CFR 41.3	37(e)), to avoid dismiss	sal of the
3. 🛛 The proposed amendment(s) filed after a final rejection	, but prior to the date of filing a brief	, will <u>not</u> be entered b	ecause
 (a) ☐ They raise new issues that would require further of the control of the contr	low);		the issues for
(d) They present additional claims without canceling		ected claims.	
NOTE: (See 37 CFR 1.116 and 41.33(a)			
4. The amendments are not in compliance with 37 CFR 1.		mpliant Amendment	(PTOL-324).
5. Applicant's reply has overcome the following rejection(6. Newly proposed or amended claim(s) would be	<i>,</i> ——	tional color file di amagandon a	
non-allowable claim(s).	anowabie ii submitted iii a separate,	untery med amendme	ent canceling the
7. For purposes of appeal, the proposed amendment(s): a how the new or amended claims would be rejected is pr The status of the claim(s) is (or will be) as follows: Claim(s) allowed:) ⊠ will not be entered, or b) □ wi ovided below or appended.	II be entered and an e	explanation of
Claim(s) objected to: Claim(s) rejected:			•
Claim(s) withdrawn from consideration:			
AFFIDAVIT OR OTHER EVIDENCE	****		
 The affidavit or other evidence filed after a final action, to because applicant failed to provide a showing of good a was not earlier presented. See 37 CFR 1.116(e). 	nd sufficient reasons why the affiday	vit or other evidence is	necessary and
The affidavit or other evidence filed after the date of filin entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessary.	overcome <u>all</u> rejections under appeary and was not earlier presented. S	al and/or appellant fai See 37 CFR 41.33(d)(1	ls to provide a
10. The affidavit or other evidence is entered. An explanating security of the affidavit or other evidence is entered. An explanating security of the affidavit or other explanations.	on of the status of the claims after e	ntry is below or attach	ned.
11. The request for reconsideration has been considered because the considered because th	out does NOT place the application in	n condition for allowar	nce because:
12. Note the attached Information Disclosure Statement(s) 13. Other:	. (PTO/SB/08) Paper No(s)		

Application/Control Number: 10/523,617

Art Unit: 1654

Status of Claims

Page 2

1. Claims 1, 11-13, 23-25, 35, 36 and 53-64 were presented in the response filed 9/20/2007. The amendment is not entered because new claims 62-64 require a new search.

Claim Rejections - 35 USC § 112

- 2. Although the response filed 9/20/2007 is not entered, Applicant is advised that the amendment to claims 1, 11-13, 23-25, 35 and 36 would not overcome the pending rejections under 35 U.S.C. 112, first paragraph.
- 3. For the reasons presented in the previous office action, with the exception of the species SEQ ID NOs: 1, 2, and 3, peptide fragments comprising residues 17-34 of these sequences and peptides having at least 95% homology with SEQ ID NOs: 1, 2 and 3, claims 1, 11-13, 23-25, 35 and 36 fail to meet the written description requirement of 35 U.S.C. 112, first paragraph.
- 4. In addition, the specification is enabled for methods comprising the administration of SEQ ID NOs: 1, 2, and 3, fragments comprising residues 17-34 of SEQ ID NOs: 1, 2, and 3 and peptides having at least 95% homology with SEQ ID NOs: 1, 2 and 3 but not for the full scope of the claims. Therefore, claims 1, 11-13, 23-25, 35 and 36 fail to meet the enablement requirement of 35 U.S.C. 112, first paragraph.

Conclusion

- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Marchetti Bradley whose telephone number is (571) 272-9044. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M.
- 6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on (571) 272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
- 7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christina Marchetti Bradley, Ph.D. Patent Examiner Art Unit 1654

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